IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

Bail Appl..No. 355 of 2007()

CRIME NO.5/07 OF KALIYAR POLICE STATION

: PETITIONERS/ACCUSED:

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1. SANTHOSH N.B., AGED 34 YEARS,
   S/O.BHASKARAN, NIRAPPEL HOUSE,
   ARAKUZHA P.O., ARAKUZHA VILLAGE.

2. SAJESH N.B., AGED 29 YEARS,
   S/O.BHASKARAN, NIRAPPEL HOUSE,
   ARAKUZHA P.O., ARAKUZHA VILLAGE.

BY ADV. SRI.A.T.ANILKUMAR
SRI.P.DALBI EMMANUEL

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
REP. BY THE SUB INSPECTOR KALIYAR
POLICE STATION, IN CR.5/2007.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 355 OF 2007

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DATED THIS THE 2nd DAY OF FEBRUARY, 2007

O R D E R

Petitioners, who are brothers and who are the brothers-in-law of one Unni who is the brother of the de facto complainant and who is allegedly missing since 5.1.2007, seeks anticipatory bail on the allegation that they are apprehending arrest by the Kaliyar Police who have registered a case as Crime No.5/07 for an offence punishable under section 365 read with section 34 IPC.

2. Learned Public Prosecutor on instructions submitted that even though the petitioners are arrayed as accused 1 and 2 in the above crime, the investigation could not be proceeded with, since the whereabouts of the missing person are still unknown to the Police. If so, the apprehension of arrest and harassment entertained by the petitioners appears to be well founded. Hence, I am inclined to grant anticipatory bail to the petitioners. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release petitioners on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs.10,000/- with two solvent sureties each for the like amount to the satisfaction of the said officer and subject to the following conditions:

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

3. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners shall not commit any offence while on bail.

5. Petitioners shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,JUDGE.

dsn